

April 2, 2003 BZA



REQUEST ANALYSIS
AND
RECOMMENDATION

03AN0226

Patricia T. and Timothy J. Hauler

Matoaca Magisterial District
6100 Woodpecker Road

REQUEST: An amendment to Special Exception 02AN0207 to operate a bed and breakfast and special events business from the home.

RECOMMENDATION

Recommend denial of this request for the following reasons:

- A. The previously approved Special Exception has not been in place long enough to determine if the conditions help mitigate any potential impact.
- B. Staff is concerned increasing the intensity of this Special Exception may impair the character of the district.

GENERAL INFORMATION

Location:

Property is known as 6100 Woodpecker Road. Tax ID 781-626-8240 (Sheet 41).

Existing Zoning:

A

Size:

14.5 acres

Existing Land Use:

Residential

Adjacent Zoning and Land Use:

North - A; Vacant

South - A; Vacant

East - A; Vacant

West - A; Vacant

Utilities:

Private well and septic system

Transportation:

This request requires off-street parking.

General Plan:

(Southern and Western Area Plan)

Residential

(1.01 - 2.5 units per acre)

DISCUSSION

The applicants request an amendment to Special Exception 02AN0207 to operate a bed and breakfast and special events business from the home. Specifically, the applicants are requesting increasing the number of individuals from 100 to a maximum of 250 per event.

The applicants provide the following information in support of this request:

The present use of this property is the operation of a service business from a private residence located on a parcel zoned agricultural. The site provides a location for weddings, receptions and special events. The historic structure on the property is offered as a bed and breakfast facility in conjunction with these events. Of the 14.45+/- acres which comprise this parcel, approximately 5+/- acres is devoted to the outdoor event and parking areas. No formal development of this site other than landscaping has been necessitated to facilitate this use. The business use of this property for wedding and special event receptions is conducted on Saturdays and evenings during the week. The site is offered for use along with appropriate tents, tables and chairs. Catering is outsourced by the facility operator.

Southeastern Chesterfield County does not offer a facility of this nature. Public demand is high for an historic site with formal gardens for outdoor wedding receptions and special events in Chesterfield County. The proposed amendment to Condition 9 (Special Events Business) is presented to accommodate this demand. A modification of the restriction on the

maximum number of individuals per function from 100 to 250 will have no significant impact on the current authorized special exception use. The facility could accommodate events of at least 500 individuals at a minimum, including on-site vehicle parking.

All properties contiguous to the existing site are presently undeveloped land, titled in the names of the applicants. The new Matoaca High School and the New Hope Baptist Church sites, which lie to the east are the closest uses in proximity to the subject parcel. The high school property is sufficiently removed from the existing site and is unaffected by its use. A 7.81+/- acre parcel owned by the site property owners lies between it and the church property and no events are scheduled for Sundays. There are several residential structures currently in the early stages of construction on the south side of Woodpecker Road across the street from the subject site. None of these parcels are closer than 1,500 feet to the location where special events are conducted and which is buffered by dense wooded areas surrounding the existing use site. The existing site is not dependent upon the use of any public utilities except electricity and does not impact upon any public schools in the area. Minimal traffic ingresses and egresses to the site are from John Winston Jones Parkway. The current special exception and requested amendment will have no potential effect on any existing or future area development.

On April 3, 2002, the Board of Zoning Appeals approved a Special Exception to permit a bed and breakfast and special events business from the home. A copy of the minutes of the April 3, 2002, Board meeting is attached.

The Special Exception approved by the Board of Zoning Appeals limited the number of individuals to 100 at any one (1) event. Staff is concerned eleven (11) months is not enough time to establish if the Special Exception has and will affect the adjacent properties and the area in general.

Staff believes that the proposed amendment to increase the number from 100 to 250 individuals at any event may have an adverse effect on the adjacent properties and the area in general. The increase of the noise, traffic and associated activity may change the character of the existing neighborhood. Therefore, staff cannot support this request.

However, staff continues to support the previously approved conditions of the Special Exception as follows:

CONDITIONS (Bed and Breakfast Business)

1. Special Exception shall be granted to and for Timothy J. and Patricia Hauler, exclusively, and shall not be transferable nor run with the land.
2. Special Exception shall be limited to the operation of a bed and breakfast, exclusively.

3. No additions or alterations that would increase the capacity of this operation shall be permitted to the dwelling. This does not preclude any routine maintenance or cosmetic alteration.
4. Special Exception shall be granted for a period not to exceed two (2) years from date of approval and may be renewed upon satisfactory reapplication and demonstration that the bed and breakfast has not proved a detriment to the adjacent property or the area in general.
5. Only a sixteen (16) square foot sign shall be permitted.

CONDITIONS (Special Events Business)

1. Special Exception shall be granted to and for Timothy J. and Patricia Hauler, exclusively, and shall not be transferable nor run with the land.
2. Special Exception shall be granted for a period not to exceed two (2) years from date of approval and may be renewed upon satisfactory reapplication and demonstration that the special event business has not proved a detriment to the adjacent property or the area in general.
3. Special event shall be limited to the use of the house and yard (except for the bed and breakfast). Other than the owner or operator of the business, only five (5) employees shall be engaged in the special events.
4. No additions or alterations related to this business shall be permitted to the exterior of the dwelling. This does not preclude any routine maintenance or cosmetic alteration.
5. The hours of operation of the special events shall be restricted to Fridays and Saturdays between 9:00 a. m. and 10:00 p. m. A total of thirty (30) events per year shall be allowed. No event shall be allowed on Sunday.
6. No vendor deliveries shall be permitted before 9:00 a. m. or after 6:00 p. m. and such deliveries shall be restricted to Friday and Saturday only.
7. Not more than $\frac{1}{4}$ of one (1) floor of the main house shall be used for administration/office use associated with this business. All activity associated with the business use of the property shall be restricted to the main floor of the house.
8. No trash dumpsters shall be permitted.

(NOTES: a. This use requires site plan approval.

- b. Solid waste storage areas (garbage cans) shall be screened from view of adjacent property and public rights of way by a solid fence, wall, dense evergreen plantings or architectural feature. The solid waste storage areas shall not be serviced between the hours of 9:00 p. m. and 6:00 a. m.)
- 9. This use shall be restricted to a maximum of 100 individuals at any one (1) function.
- 10. No vehicles shall be permitted to park within the public road rights of way adjacent to this property.
- 11. A security officer shall be provided at all events with seventy-five (75) guests or more to direct traffic in and out of the property and to monitor the lawful conduct of guests attending the event. (BZA)
- 12. All alcohol will cease to be served one (1) hour prior to the end of any function. (BZA)
- 13. All exterior lights for the facility shall be arranged and installed so that the direct or reflected illumination does not exceed 0.5 foot candles above background measured at the lot line of any adjoining residential parcel. Light standards shall be of a directional-type capable of shielding the light source from direct view from any adjoining parcel or public right of way. Further, no exterior lighting shall be higher than twenty (20) feet.
- 14. Live and DJ music will be allowed at a decibel level determined by the County as appropriate for this use.



Chesterfield County, Virginia
Board of Zoning Appeals
April 3, 2002

PRESENT:

Mr. Joseph L. Biggs, Chairman
Mr. W. Baxter Perkinson, Sr., Vice-Chairman
Mr. John E. Caperton
Mr. Graham C. Daniels
Mr. H. Stephen Moore, Jr.

ALSO PRESENT:

Mr. J. Michael Janosik, Secretary to the
Board of Zoning Appeals, Zoning Administrator,
Planning Department
Ms. Donna McClurg, Planner,
Planning Department
Ms. Nell Rigali, Assistant Deputy Clerk,
Planning Department
Mr. Michael Kozak, Assistant County Attorney,
County Attorney's Office

At approximately 11:15 a. m., Messrs. Biggs, Perkinson, Caperton, Daniels, Moore and staff met at King's Korner Restaurant (Chesterfield Airport) for lunch and a work session. During lunch, there was discussion pertaining to the cases being heard at the Board of Zoning Appeals meeting.

At approximately 1:00 p. m., Mr. Biggs, Chairman, called the meeting to order in the Public Meeting Room, Chesterfield County Administration Building.

The invocation was given by Mr. Perkinson.

The Board considered the minutes of the March 6, 2002, Board of Zoning Appeals public hearing.

On motion of Mr. Moore, seconded by Mr. Daniels, the Board approved the minutes of the March 6, 2002, Board of Zoning Appeals public hearing.

AYES: Messrs. Biggs, Perkinson, Caperton, Daniels and Moore.

The Board recessed at approximately 4:46 pm.

The Board reconvened at approximately 4:58 p.m.

02AN0207: In Matoaca Magisterial District, **TIMOTHY J. AND PATRICIA HAULER** requested a Special Exception to operate a bed and breakfast and special events business from the home and amendment of zoning district map. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for residential use of 1-5 acre lots. This property is known as 6100 Woodpecker Road. Tax ID 781-626-8240 (Sheet 41).

Ms. Donna McClurg gave the background information and staff's recommendation for approval of Case 02AN0207 subject to the conditions recommended by staff.

Mr. John Cogbill, the applicant's representative, came forward to represent the request. He stated that opening up an historic site like Dellwood to the public would be a great way to share the history of the County. He further stated the request would not affect the value of properties in the area. He pointed out that other bed and breakfasts in the County had proven to be of value to their neighborhoods and he felt this request would be no different.

Mr. Perkinson, in light of the concern of alcohol being served at events, asked Mr. Kozak to explain the Board's authority concerning Alcoholic Beverage Control (ABC) requirements.

Mr. Kozak again stated the recent Windy Hill decision allowed the County to regulate the location of businesses that served alcoholic beverages. Also, the Board could regulate where on the property and if alcohol could be sold and consumed. However, if the Board decided to allow the use of alcohol at a location, it would be problematic to differentiate between the types of alcohol allowed. Edie and John Bleattler, adjacent property owners, came forward and presented a petition of opposition with fifty-one (51) signatures. They objected to serving alcohol near a high school. Further, they felt the business would reduce the value of properties and increase noise and traffic in the area.

Ms. Brenda Stewart, an area resident, came forward to oppose the request. She stated that the business was too close to the high school to serve alcohol and comply with County Code concerning alcohol. She felt special events would increase the possibility of impaired drivers on Woodpecker Road.

Mr. Daniels stated that this Board could not affect the Ordinance in any way. He stated that the Board of Supervisors had approved the distance of 500 feet from a high school and, it was not the intent of the Board to interrupt the quality of life in the area, but that the historic issue should be

considered. He also stated that in comparison to the McBride Case, there had been a lot of opposition to the original request but after the successful operation of the business, there had been no opposition to the recent request.

Ms. Ann Dillon, an area resident, was opposed to the amount of events being allowed by the request. She felt it would interfere with her quality of living.

Ms. Jean Driscoll, a member of New Hope Baptist Church, came forward to state that she had not received a notice of the request and stated she would have had more signatures in opposition had they had more notice.

Mr. Daniels stated that according to the specific notice requirements set forth in the Ordinance, the parcel adjacent to the church property, while the property was owned by the Haulers, was not part of the request, therefore, the church was not considered an adjacent property and was not notified of the request.

Mr. Cogbill came forward to address the individual concerns expressed by area residents. He stated that there were other businesses on highways in the County that had large amounts of traffic shared by high schools; an historic home would enhance the County and surrounding properties, not impair it; traffic would be increased in this area with the addition of a new high school and continuing growth in the area; the high school would have outside music at events; the request was not in a subdivision, but in an agriculturally zoned area and, a sign would not impact the area.

Mr. Daniels stated that the conditions would require the Hauler's to come back in three (3) years and they would have to be cognoscente of the situation and try to make sure area residents would be satisfied with the use. He asked that the residents give the Hauler's a chance to prove themselves.

On motion of Mr. Daniels, seconded by Mr. Perkinson, the Board resolved to approve the request for a Special Exception to operate a bed and breakfast from the home, subject to the following conditions:

CONDITIONS (Bed and Breakfast Business)

1. Special Exception shall be granted to and for Timothy J. and Patricia Hauler, exclusively, and shall not be transferable nor run with the land.
2. Special Exception shall be limited to the operation of a bed and breakfast, exclusively.

3. No additions or alterations that would increase the capacity of this operation shall be permitted to the dwelling. This does not preclude any routine maintenance or cosmetic alteration.
4. Special Exception shall be granted for a period not to exceed three (3) years from date of approval and may be renewed upon satisfactory reapplication and demonstration that the bed and breakfast has not proved a detriment to the adjacent property or the area in general.
5. Only a sixteen (16) square foot sign shall be permitted.

AYES: Messrs. Biggs, Perkinson, Caperton, Daniels and Moore.

On motion of Mr. Daniels, seconded by Mr. Perkinson, the Board resolved to approve the request for a Special Exception to operate a special events business from the home in Case 02AN0207, subject to the following amended conditions:

CONDITIONS (Special Events Business)

1. Special Exception shall be granted to and for Timothy J. and Patricia Hauler, exclusively, and shall not be transferable nor run with the land.
2. Special Exception shall be granted for a period not to exceed three (3) years from date of approval and may be renewed upon satisfactory reapplication and demonstration that the special event business has not proved a detriment to the adjacent property or the area in general.
3. Special event shall be limited to the use of the house and yard (except for the bed and breakfast). Other than the owner or operator of the business, only five (5) employees shall be engaged in the special events.
4. No additions or alterations related to this business shall be permitted to the exterior of the dwelling. This does not preclude any routine maintenance or cosmetic alteration.
5. The hours of operation of the special events shall be restricted to Fridays and Saturdays between 9:00 a.m. and 10:00 p.m. A total of thirty (30) events per year shall be allowed. No event shall be allowed on Sunday.
6. No vendor deliveries shall be permitted before 9:00 a.m. or after 6:00 p.m. and such deliveries shall be restricted to Friday and Saturday only.

7. Not more than ¼ of one (1) floor of the main house shall be used for administration/office use associated with this business. All activity associated with the business use of the property shall be restricted to the main floor of the house.

8. No trash dumpsters shall be permitted.

(NOTES: a. This use requires site plan approval.

b. Solid waste storage areas (garbage cans) shall be screened from view of adjacent property and public rights of way by a solid fence, wall, dense evergreen plantings or architectural feature. The solid waste storage areas shall not be serviced between the hours of 9:00 p.m. and 6:00 a.m.)

9. This use shall be restricted to a maximum of 100 individuals at any one (1) function.

10. No vehicles shall be permitted to park within the public road rights of way adjacent to this property.

11. A security officer shall be provided at all events with seventy-five (75) guests or more to direct traffic in and out of the property and to monitor the lawful conduct of guests attending the event. (BZA)

12. All alcohol will cease to be served one (1) hour prior to the end of any function. (BZA)

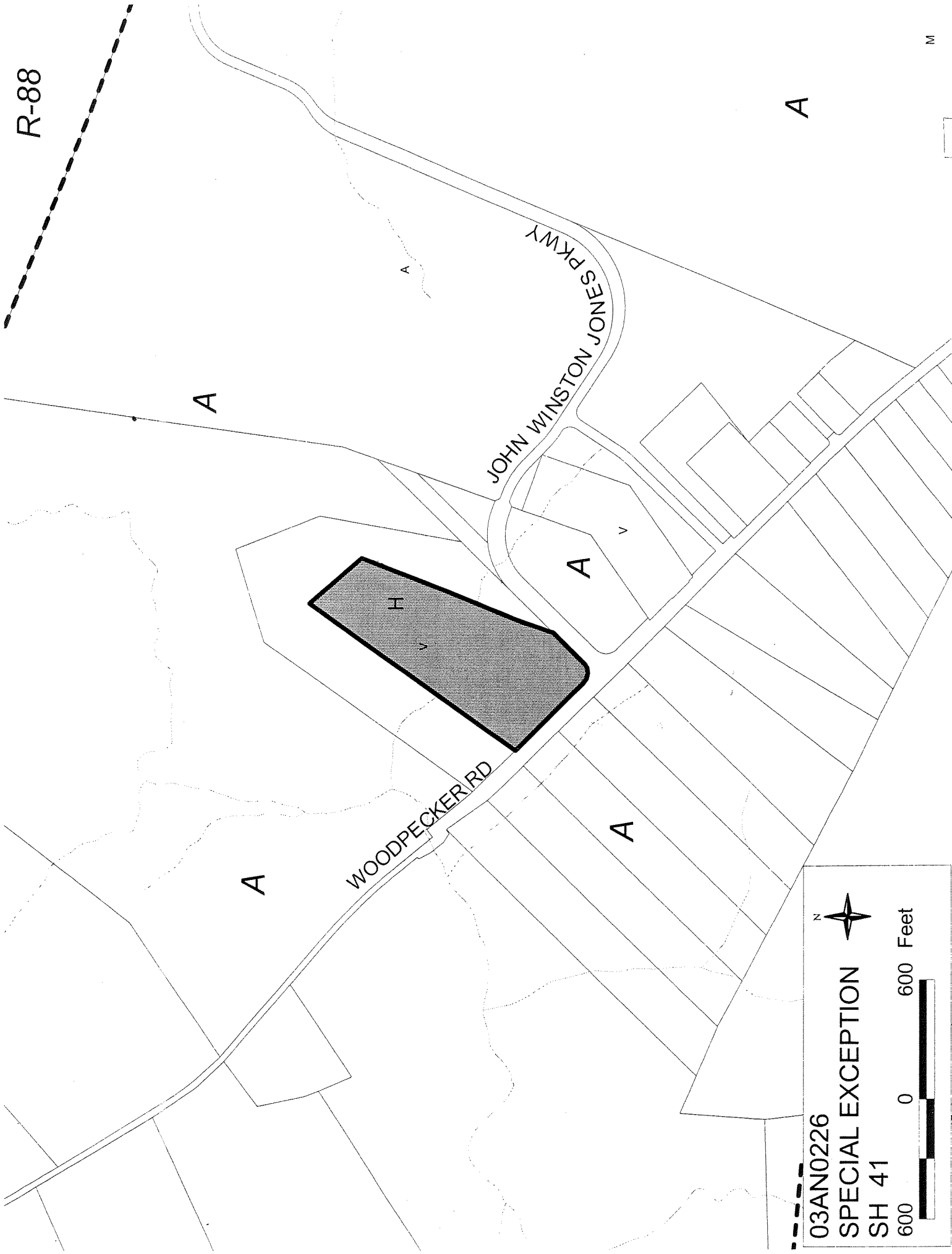
13. All exterior lights for the facility shall be arranged and installed so that the direct or reflected illumination does not exceed 0.5 foot candles above background measured at the lot line of any adjoining residential parcel. Light standards shall be of a directional-type capable of shielding the light source from direct view from any adjoining parcel or public right of way. Further, no exterior lighting shall be higher than twenty (20) feet.

14. Live and DJ music will be allowed at a decibel level determined by the County as appropriate for this use.

AYES: Messrs. Biggs, Perkinson, Caperton, Daniels and Moore.

There being no further business to come before the Board, it was on motion of Mr. Caperton, seconded by Mr. Perkinson, that the meeting adjourned at approximately 6:14 p.m.

AYES: Messrs. Biggs, Perkinson, Caperton, Daniels and Moore.



R-88

A

A

JOHN WINSTON JONES PKWY

A

A

A

WOODPECKER RD

H

V

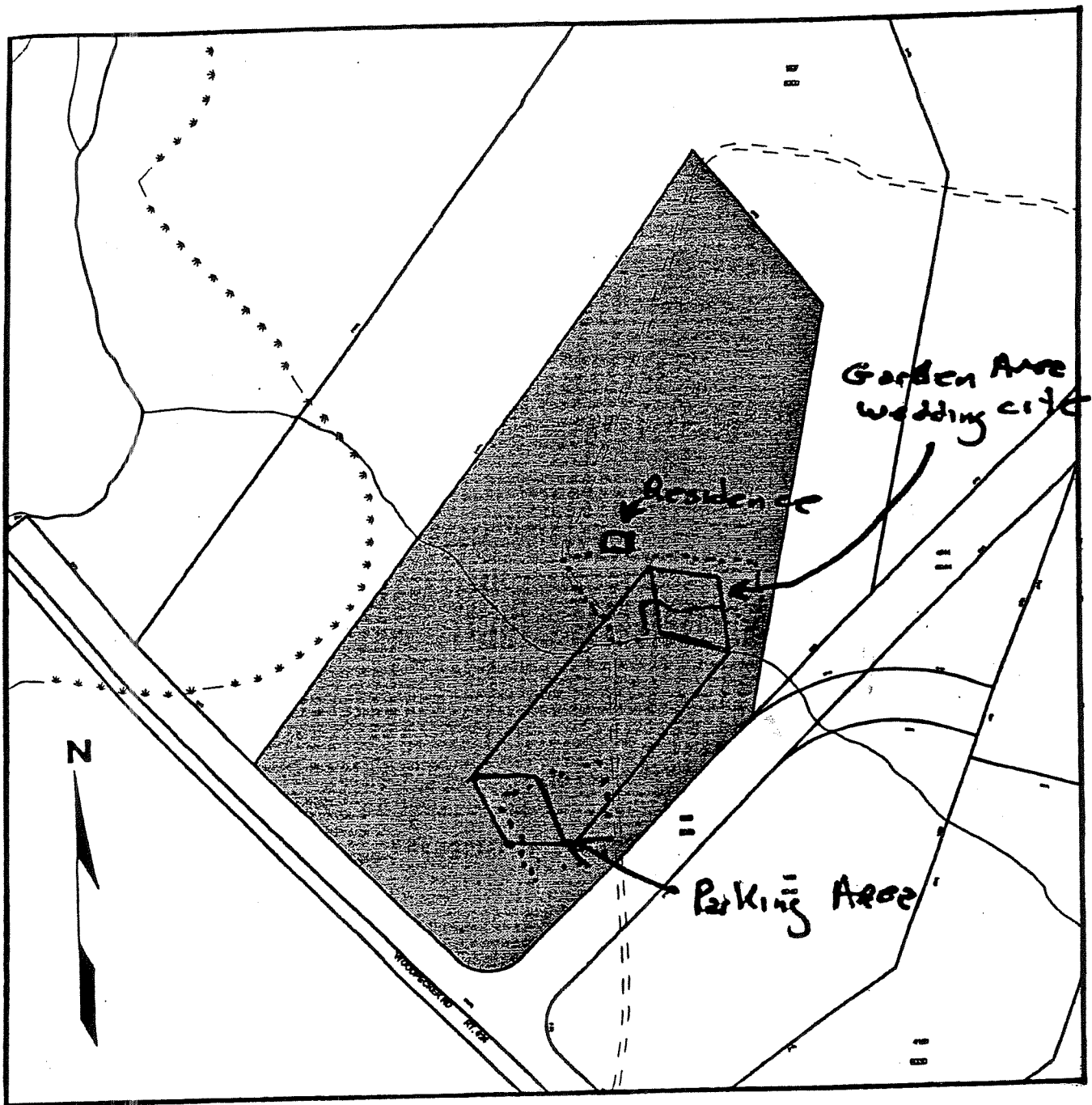


03AN0226
SPECIAL EXCEPTION
SH 41

600 0 600 Feet



M



□ - Proposed special exception use sites

03ANO226-1

COUNTY OF CHESTERFIELD
#6020 WOODPECKER ROAD
GPN: 783626476700000
D.B. 3289, PG. 600



03ANO226-2

PARCEL 3
65.6± ACRES
TIMOTHY J. &
PATRICIA T. MARTIN-HAULER
#6300 WOODPECKER ROAD
GPN: 782627547500000
D.B. 3356, PG. 232

N 3626991.41
E 11782815.73
TIMOTHY J. &
PATRICIA T. MARTIN-HAULER
#6044 WOODPECKER ROAD
GPN: 782626454400000
D.B. 3867, PG. 754

COUNTY OF CHESTERFIELD
#6020 WOODPECKER ROAD
GPN: 783626476700000
D.B. 3289, PG. 600

PARCEL 2
18.01 ACRES
TIMOTHY J. &
PATRICIA T. MARTIN-HAULER
#6200 WOODPECKER ROAD
GPN: 782627192700000
D.B. 3356, PG. 232

PARCEL 5
7.25 ACRES
TIMOTHY J. &
PATRICIA T. MARTIN-HAULER
#6040 WOODPECKER ROAD
GPN: 782625188600000
D.B. 3356, PG. 232

PARCEL 1
14.45 ACRES
TIMOTHY J. &
PATRICIA T. MARTIN-HAULER
#6100 WOODPECKER ROAD
GPN: 781626824000000
D.B. 3356, PG. 232

